

RCW Sections

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Drug nuisances -- Injunctions: Chapter [7.43](#) RCW.

69.52.010 Legislative findings.

The legislature finds that imitation controlled substances are being manufactured to imitate the appearance of the dosage units of controlled substances for sale to school age youths and others to facilitate the fraudulent sale of controlled substances. The legislature further finds that manufacturers are endeavoring to profit from the manufacture of these imitation controlled substances while avoiding liability by accurately labeling the containers or packaging which contain these imitation controlled substances. The close similarity of appearance between dosage units of imitation controlled substances and controlled substances is indicative of a deliberate and wilful attempt to profit by deception without regard to the tragic human consequences. The use of imitation controlled substances is responsible for a growing number of injuries and deaths, and the legislature hereby declares that this chapter is necessary for the protection and preservation of the public health and safety.

[1982 c 171 § 2.]

69.52.020 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Controlled substance" means a substance as that term is defined in chapter [69.50](#) RCW.

(2) "Distribute" means the actual or constructive transfer (or attempted transfer) or delivery or dispensing to another of an imitation controlled substance.

(3) "Imitation controlled substance" means a substance that is not a controlled substance, but which by appearance or representation would lead a reasonable person to believe that the substance is a controlled substance. Appearance includes, but is not limited to, color, shape, size, and markings of the dosage unit. Representation includes, but is not limited to, representations or factors of the following nature:

(a) Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;

(b) Statements made to the recipient that the substance may be resold for inordinate profit; or

(c) Whether the substance is packaged in a manner normally used for illicit controlled substances.

(4) "Manufacture" means the production, preparation, compounding, processing, encapsulating, packaging or repackaging, or labeling or relabeling of an imitation controlled substance.

[1982 c 171 § 3.]

69.52.030 Violations — Exceptions.

(1) It is unlawful for any person to manufacture, distribute, or possess with intent to distribute, an imitation controlled substance. Any person who violates this subsection shall, upon conviction, be guilty of a class C felony.

(2) Any person eighteen years of age or over who violates subsection (1) of this section by distributing an imitation controlled substance to a person under eighteen years of age is guilty of a class B felony.

(3) It is unlawful for any person to cause to be placed in any newspaper, magazine, handbill, or other publication, or to post or distribute in any public place, any advertisement or solicitation offering for sale imitation controlled substances. Any person who violates this subsection is guilty of a class C felony.

(4) No civil or criminal liability shall be imposed by virtue of this chapter on any person registered under the Uniform Controlled Substances Act pursuant to RCW [69.50.301](#) or [69.50.303](#) who manufactures, distributes, or possesses an imitation controlled substance for use as a placebo or other use by a registered practitioner, as defined in *RCW [69.50.101](#)(t), in the course of professional practice or research.

(5) No prosecution under this chapter shall be dismissed solely by reason of the fact that the dosage units were contained in a bottle or other container with a label accurately describing the ingredients of the imitation controlled substance dosage units. The good faith of the defendant shall be an issue of fact for the trier of fact.

[1983 1st ex.s. c 4 § 5; 1982 c 171 § 4.]

Notes:

***Reviser's note:** The reference to RCW [69.50.101](#)(t) is erroneous. "Practitioner" is defined in (w) of that section.

Severability -- 1983 1st ex.s. c 4: See note following RCW [9A.48.070](#).

69.52.040 **Seizure of contraband.**

Imitation controlled substances shall be subject to seizure, forfeiture, and disposition in the same manner as are controlled substances under RCW [69.50.505](#).

[1982 c 171 § 5.]

69.52.045 **Seizure at rental premises — Notification of landlord.**

Whenever an imitation controlled substance which is manufactured, distributed, or possessed in violation of this chapter is seized at rental premises, the law enforcement agency shall make a reasonable attempt to discover the identity of the landlord and shall notify the landlord in writing, at the last address listed in the property tax records and at any other address known to the law enforcement agency, of the seizure and the location of the seizure.

[1988 c 150 § 10.]

Notes:

**Legislative findings -- Severability --
1988 c 150:** See notes following RCW [59.18.130](#).

69.52.050 **Injunctive action by attorney general authorized.**

The attorney general is authorized to apply for injunctive action against a manufacturer or distributor of imitation controlled substances in this state.

[1982 c 171 § 6.]

69.52.060 **Injunctive or other legal action by manufacturer of controlled substances authorized.**

Any manufacturer of controlled substances licensed or registered in a state requiring such licensure or registration, may bring injunctive or other action against a manufacturer or distributor of imitation controlled substances in this state.

[1982 c 171 § 7.]

69.52.070 **Violations — Juvenile driving privileges.**

(1) If a juvenile thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile whose privilege to drive has been revoked pursuant to RCW [46.20.265](#), the court may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) If the conviction is for the juvenile's first violation of this chapter or chapter [66.44](#), [69.41](#), or [69.50](#) RCW, the

juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW [46.20.265](#) until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter [66.44](#), [69.41](#), or [69.50](#) RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW [46.20.265](#) until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

[1989 c 271 § 121; 1988 c 148 § 6.]

Notes:

Severability -- 1989 c 271: See note following RCW [9.94A.510](#).

Legislative finding -- Severability -- 1988 c 148: See notes following RCW [13.40.265](#).

69.52.900

Severability — 1982 c 171.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[1982 c 171 § 8.]

69.52.901

Effective date — 1982 c 171.

This act shall take effect on July 1, 1982.

[1982 c 171 § 10.]